

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

SHIRLEY SPYCHALLA,

Plaintiff(s),

v.

MOTION HEARING

**BOEING AEROSPACE
OPERATIONS, INC., et al.,**

Case No. 11-C-497

Defendant(s).

HONORABLE WILLIAM C. GRIESBACH presiding
Deputy Clerk: Cheryl
Proceeding Held: February 4, 2015

Tape: 020415
Hearing Began: 2:35 p.m.
Hearing Ended: 3:33 p.m.

Appearances:

Plaintiff(s): Michael P. Cascino

Defendant(s): Lance E. Mueller and Brian Gross in person for Boeing Aerospace and Howard Goldberg via telephone
Brett B. Larsen for Cessna Aircraft Company
Nora Gierke for General Electric Company
Lisa Warwick for Medicare via telephone

Hearing on: [68] Boeing Aerospace Operations' Motion to Seal Certain Exhibits
[92] Shirley D. Spychalla's Motion to Strike
[94] Shirley D. Spychalla's Motion for Extension of Time.

AUSA Warwick requests Medicare be dismissed.
Mr. Cascino responds that they are not prepared to dismiss Medicare at this time.
The Court excuses AUSA Warwick from participation in the hearing.

The Court puts status of [92] motion and protective order on the record. The Court presents its questions surrounding the issue.

Spychalla's [94] Motion for Extension of Time to Respond to Defendants' Motions:

Plaintiff requests 21 days.

The Court **GRANTS** the [94] motion for extension of time to respond. Response is due March 9, 2015 and replies are due March 23, 2015.

Boeing's [68] Motion to Seal Certain Exhibits:

The Court notes that the protective order related to Boeing's motion to seal was put on the record at the last hearing.

Mr. Gross presents argument.

The Court suggests the parties narrow the documents submitted. The Court orders the documents remain sealed and inquires as to a protective order.

Mr. Cascino requests the Court issue the protective order.

The parties are directed to submit a proposed protective order. Mr. Cascino is instructed to not disclose confidential material.

The parties return to the argument regarding Spychalla's [94] Motion for Extension of Time to Respond to Defendants' Motions

Mr. Gross states that they do not object to plaintiff's motion for extension of time.

Ms. Gierke expresses concern regarding the extension and how it may affect the timing of their reply and the hearing date on March 26, 2015, along with concern associated with affidavits.

Mr. Larsen responds and also expresses the same concerns as GE.

The Court suggests adjourning March 26 motion hearing.

Spychalla's [92] Motion to Strike Declarations:

Mr. Cascino responds and presents argument to the Court regarding scheduling and motion to strike declarations.

Mr. Gross responds.

Mr. Cascino replies.

The Court, Mr. Gross and Mr. Cascino discuss the timing of disclosure and prejudice.

The Court **GRANTS** the [92] motion to strike the government contractor defense without prejudice.

Based on the Court's ruling, Boeing inquires if they should resubmit their filings without the government contractor arguments and with only the bare metal defense. The Court recommends a new submission.

Boeing requests that the declaration and flash drive filed with the court be returned and that plaintiff's counsel certify that all copies are destroyed.

Mr. Cascino responds.

The Court orders the return of the documents.

The Court confirms that all motions are now on the same briefing deadline.

The Court reschedules the March 26 motion hearing to May 12 at 9:30 a.m.